UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1243/Add.1
28 August 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1243rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 August 1997, at 10.25 a.m.

Chairman: Mr. BANTON

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* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1243.

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GE.97-18086 (E)

The public part of the meeting was called to order at 10.25 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Report of the Committee to the General Assembly at its fifty-second session under article 9, paragraph 2, of the Convention (CERD/C/51/CRP.1 and Add.2 and 3; CERD/C/51/Misc.12/Rev.2 (future CERD/C/51/CRP.1/Add.4); CERD/C/51/CRP.1/Add.5; CERD/C/51/Misc.24 (future CERD/C/51/CRP.1/Add.6); CERD/C/51/CRP.1/Add.7 and 8; CERD/C/51/Misc.14 (future CERD/C/51/CRP.1/Add.10); CERD/C/51/CRP.1/Add.13-15; CERD/C/51/Misc.44/Rev.1 (future CERD/C/51/CRP.1/Add.17); CERD/C/51/Misc.22/Rev.1 (future CERD/C/51/CRP.1/Add.19); CERD/C/51/Misc.23 (future CERD/C/51/CRP.1/Add.20); CERD/C/51/Misc.24 (future CERD/C/51/CRP.1/Add.21); CERD/C/51/Misc.26 (future CERD/C/51/CRP.1/Add.22); CERD/C/51/Misc.42 (future CERD/C/51/CRP.1/Add.23); CERD/C/51/Misc.31 (future CERD/C/51/CRP.1/Add.24); CERD/C/51/Misc.40 (future CERD/C/51/CRP.1/Add.26); CERD/C/51/CRP.1/Add.27-32; CERD/C/51/CRP.2 and Add.2-4; CERD/C/51/Misc.41)

Document CERD/C/51/CRP.1 - Chapter I: Organizational and related matters

1. The CHAIRMAN said that paragraph 5 should be amended to read: "... 16 January 1996 ...".

2. Paragraph 6 contained the list of members. He suggested that the name of the Acting Secretary for each session should also be given, since the Secretary's role was such an important one.

3. Mr. ABOUL-NASR expressed his disquiet about the proposal. Many other Secretariat staff besides the Secretary provided a valuable service to the Committee. It might be better to express the Committee's appreciation of them all in a paragraph at the end of the chapter.

4. Mr. WOLFRUM also expressed his disquiet about the proposal. It seemed wrong to mention only the Acting Secretary: the Assistant Secretary often deputized for the Secretary and his/her role was therefore just as important.

5. Mr. van BOVEN, supported by Mr. de GOUTTES, endorsed the proposal.

6. Mr. VALENCIA RODRIGUEZ recalled that previous reports of the Committee had mentioned the Secretary's name.

7. Mr. GARVALOV said that the Committee should express its appreciation for the sterling work done by all the Secretariat staff.

8. Mr. RECHETOV said that other members of the Secretariat, besides the Secretary, had been very helpful to him in his duties as Country Rapporteur, and their efforts should be acknowledged.

9. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to include an acknowledgement of the assistance provided by all the Secretariat staff involved with the Committee, who would be listed by name.

10. It was so decided.

11. The CHAIRMAN said that paragraph 7 should be amended to show that Mr. Ferrero Costa had not attended the fifty-first session at all and that Mr. Chigovera had attended only between certain dates, which would be indicated.

12. Document CERD/C/51/CRP.1, as amended, was adopted.

13. The CHAIRMAN noted that document CERD/C/51/CRP.1/Add.1 was not before the Committee, but consisted merely of the list of items which the Committee had considered at its fifty-first session.

Document CERD/C/51/CRP.1/Add.2 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures (Israel, Bosnia and Herzegovina, Democratic Republic of the Congo, Papua New Guinea)

14. Mr. van BOVEN said that, since the Committee had adopted four decisions concerning the four countries dealt with in the document, they should all be referred to as such, rather than as "statements". They would then be numbered decision 1 (51) on Israel, decision 2 (51) on Bosnia and Herzegovina, decision 3 (51) on the Democratic Republic of the Congo and decision 4 (51) on Papua New Guinea.

15. Document CERD/C/51/CRP.1/Add.2, as amended, was adopted.

Document CERD/C/51/CRP.1/Add.3 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (United Kingdom of Great Britain and Northern Ireland; Afghanistan; Bahamas; Dominican Republic; Guatemala; Belarus; Luxembourg; Jordan; Nepal; Germany; Pakistan; Belgium; Cameroon; Iceland)

16. Mr. DIACONU asked why the concluding observations for Mexico, Algeria and Iraq were not in the document, since they had also been considered at the Committee's fiftieth session.

17. Mr. HUSBANDS (Acting Secretary) said that the concluding observations for those three countries had actually been adopted at the current session, so they were before the Committee in three separate documents which would be considered later.

18. Document CERD/C/51/CRP.1/Add.3 was adopted.

Document CERD/C/51/Misc.12/Rev.2 (future CERD/C/51/CRP.1/Add.4) - Concluding observations (Iraq)

19. Mr. SHAHI said that, despite some confusion about the voting which had taken place on procedural aspects, he had strongly supported paragraph 14 in view of the final decision to mention not only Kuwaiti nationals, but also nationals of other States.

20. Document CERD/C/51/Misc.12/Rev.2 (future CERD/C/51/CRP.1/Add.4) was adopted.

Document CERD/C/51/CRP.1/Add.5 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Bulgaria)

21. Mr. GARVALOV said that, while it had been noted with great appreciation that the State party had made the declaration under article 14 of the Convention, the suggestions made in paragraph 20 gave a very different impression.

22. The CHAIRMAN said that note would be taken of that comment and similar views expressed by other Committee members. He emphasized that the Committee had to achieve consistency in its concluding observations.

23. Document CERD/C/51/CRP.1/Add.5 was adopted.

Document CERD/C/51/Misc.24, (future CERD/C/51/CRP.1/Add.6) - Concluding observations (Mexico)

Documents CERD/C/51/CRP.1/Add.7 and 8 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Panama; Swaziland; Rwanda; Seychelles; Mongolia; Algeria)

Document CERD/C/51/Misc.14 (future CERD/C/51/CRP.1/Add.10) - concluding observations (Ethiopia)

24. Documents CERD/C/51/Misc.24 (future CERD/C/51/CRP.1/Add.6), CERD/C/51/Add.7 and 8 and CERD/C/51/Misc.14 (future CERD/C/51/CRP.1/Add.10) were adopted.

Document CERD/C/51/CRP.1/Add.13 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Philippines)

25. Mr. GARVALOV said that the letter which he understood had been sent to the Chairman by the Ambassador of the Philippines and which related to two paragraphs of the concluding observations should be considered as an official reply by the State party and form part of the report.

26. The CHAIRMAN suggested that the letter should be treated in the same way as the message received from the Government of India in 1996 and included as an annex to the report.

27. It was so decided.

28. Document CERD/C/51/CRP.1/Add.13 was adopted.

Documents CERD/C/51/CRP.1/Add.14 and 15, CERD/C/51/Misc.44/Rev.1 (future CERD/C/51/CRP.1/Add.17), CERD/C/51/Misc.22/Rev.1 (future CERD/C/51/CRP.1/Add.19), CERD/C/51/Misc.23 (future CERD/C/51/CRP.1/Add.20), CERD/C/51/Misc.24 (future CERD/C/51/CRP.1/Add.21), CERD/C/51/Misc.26 (future CERD/C/51/CRP.1/Add.22), CERD/C/51/Misc.42 (future CERD/C/51/CRP.1/Add.23), CERD/C/51/Misc.31 (future CERD/C/51/CRP.1/Add.24) and CERD/C/51/Misc.40 (future CERD/C/51/CRP.1/Add.26) - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Denmark; Poland; Guyana; Suriname; Sweden; former Yugoslav Republic of Macedonia; Argentina; Burundi; Norway; Burkina Faso)

29. Documents CERD/C/51/CRP.1/Add.14 and 15, CERD/C/51/Misc.44/Rev.1, (future CERD/C/51/CRP.1/Add.17), CERD/C/51/Misc.22/Rev.1 (future CERD/C/51/CRP.1/Add.19), CERD/C/51/Misc.23 (future CERD/C/51/CRP.1/Add.20), CERD/C/51/Misc.24 (future CERD/C/51/CRP.1/Add.21), CERD/C/51/Misc.26 (future CERD/C/51/CRP.1/Add.22), CERD/C/51/Misc.42 (future CERD/C/51/CRP.1/Add.23), CERD/C/51/Misc.31 (future CERD/C/51/CRP.1/Add.24) and CERD/C/51/Misc.40 (future CERD/C/51/CRP.1/Add.26) were adopted.

Document CERD/C/51/CRP.1/Add.27 - Chapter IV: Consideration of communications under article 14 of the Convention

30. The CHAIRMAN said that the Secretariat would look into the possibility of including the decision taken earlier in the day.

31. Document CERD/C/51/CRP.1/Add.27 was adopted on that understanding.

Document CERD/C/51/CRP.1/Add.28 - Chapter V: Consideration of copies of petitions, copies of reports and other information relating to trust and non-self-governing territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

32. Mr. van BOVEN said that, although he would not object to the text as it stood, it did not include the agreement reached the previous day on the revision of the standard decision. It could not therefore be stated in paragraph 4 that the Committee had found that there was no valid information concerning legislative, judicial, administrative or other measures. He had found interesting information in the file which he had not had time to analyse and would raise the matter again at the Committee's next session.

33. The CHAIRMAN recalled that it had been decided that it should be indicated that the Committee had not received information from the competent authorities.

34. Mr. RECHETOV said that the Committee could not necessarily expect to receive information without taking the initiative to request it.

35. Mr. van BOVEN suggested that the second sentence of paragraph 4 should be amended to read: "The Committee reiterates its request that it be furnished with the material expressly referred to in article 15 of the Convention ...".

36. It was so decided.

37. Document CERD/C/51/CRP.1/Add.28, as amended, was adopted.

Document CERD/C/51/CRP.1/Add.29 - Chapter VI: Action taken by the General Assembly at its fifty-first session

(a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

(b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

38. The CHAIRMAN said that the Committee was required only to consider the action taken at the fifty-first session, as dealt with in paragraphs 7 to 13.

39. He had prepared the document under consideration in consultation with Mr. Garvalov and Mr. Valencia Rodriguez on the basis of members' responses to the report by the Independent Expert, Mr. Philip Alston.

40. Mr. DIACONU said that, of the four functions mentioned in paragraph 7, the first should, according to the Convention, be the examination of reports and the second should be preventive procedures.

41. It was so decided.

42. Mr. van BOVEN said that the second sentence of paragraph 10 did not necessarily reflect his opinion. The word "unquestionably", in particular, was too strong, as any serious decline in quality would depend on the way in which the treaty bodies were combined.

43. Mr. de GOUTTES suggested that the second part of the first sentence should be worded more flexibly. It might also be better if the condition which the Committee was setting, namely, that a chapter or a part of the consolidated report should be devoted to the Committee on the Elimination of Racial Discrimination, was stated more clearly.

44. Mr. WOLFRUM suggested that Mr. van Boven's position and Mr. de Gouttes' suggestion might be taken into account if the second part of the first sentence was amended to read: "this would not cause concern if it entailed no decline in the standard of reporting ...". The condition would thus be clear and the second sentence could be deleted.

45. Mr. GARVALOV said that Mr. Alston had not given details about the consolidated bodies he was proposing, but had simply said that the six existing treaty bodies should be consolidated into one or two bodies. The existing bodies would not be merged, but replaced by newly elected bodies with new membership. Such a change would reduce the concerted emphasis which the existing bodies had been trying to place on human rights in general and torture and racial discrimination in particular, would lessen the pressure on States parties and should be strongly opposed.

46. Mr. ABOUL-NASR said that the Committee was entitled to reject the views expressed by Mr. Alston in his report, which seemed to reflect a lack of knowledge of the United Nations and its Conventions.

47. Mr. VALENCIA RODRIGUEZ said that he agreed with Mr. Garvalov's arguments and that the Committee's reaction to the idea of merging the treaty bodies should be placed on record. The second sentence of paragraph 10 should not be deleted, but Mr. van Boven's suggestion that the words "unquestionably" and "serious" should be deleted was a good one.

48. Mr. van BOVEN said that the simplest solution would be to delete the second sentence. However, if the Committee decided to deal with the issue, it should bear Mr. Valencia Rodriguez's points in mind because, even with the deletion of the words "unquestionably" and "serious", the amended sentence would still have a stronger impact than Mr. Garvalov's proposal.

49. Mr. DIACONU said that the important issue was not whether the Committee should consider the report by Mr. Alston, but the fact that it would be discussed by the Commission on Human Rights and the General Assembly, which might take decisions resulting in the proposed merger if the Committee did not make its views known. The Committee should therefore at least express its misgivings about the structure that would be created on the basis of Mr. Alston's proposal.

50. The CHAIRMAN suggested that the word "any" in the first sentence and the word "serious" in the second sentence should be deleted and that the word "unquestionably" in the second sentence should be replaced by the words "might well".

51. Mr. YUTZIS said that he agreed with the amendment proposed by the Chairman and the arguments put forward by other members of the Committee in favour of it. Something had to be said in response to Mr. Alston's absurd proposal.

52. Mr. SHAHI said that the amended paragraph 10 would aptly and summarily dispose of Mr. Alston's views. The Committee's opinion would probably be ignored by the Commission on Human Rights, but the Committee would at least have raised the issue.

53. Mr. SHERIFIS said that paragraph 10 should include a reference to the fact that the restructuring proposed by Mr. Alston would require amendments to international human rights conventions.

54. Mr. ABOUL-NASR, referring to paragraph 13, said that he objected to the use of the words "duplicated in". Perhaps they should be replaced by the words "overlapped with".

55. Mr. van BOVEN said he had originally suggested saying that the Committee's work was "related" to the work of the Sub-Commission.

56. Mr. DIACONU said that the last sentence should be deleted. He suggested that the Chairman might address representatives of States parties at a meeting of such representatives and submit to them the conclusions reached on the basis of the Committee's experience.

57. Mr. de GOUTTES suggested that the word "completely" should be deleted from the second sentence because it was not true to say that "the Special Rapporteur on Racism and Xenophobia appears completely to ignore the relevance" of the Convention and the work of the Committee.

58. Mr. van BOVEN suggested that the first sentence should be amended to read: "In the course of the discussion, it was noted that the Committee's work and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Special Rapporteur on Racism and Xenophobia essentially serve the same purpose in many ways".

59. Mr. WOLFRUM said that he agreed with the amendment suggested by Mr. van Boven, but thought that the reference to the fact that the Special Rapporteur completely ignored the relevance of the Convention was justified.

60. Mr. YUTZIS said he agreed it was correct to say that the Special Rapporteur appeared to be completely ignorant of the importance of the Convention. However, if there were any objections to the use of the word "ignore", it might be better to say that the Special Rapporteur did not appear to take the Convention and the work of the Committee into account.

61. Mr. GARVALOV said that he supported the amendment Mr. van Boven had proposed to the first sentence. As to the second sentence, he agreed with the view that the Special Rapporteur ignored the Convention. It would therefore be even better to delete the word "appears".

62. Mr. AHMADU suggested that the second sentence should be amended to read: "... the Special Rapporteur completely overlooks the relevance ...".

63. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted Mr. van Boven's proposed amendment to the first sentence and Mr. Ahmadu's suggestion on the second sentence.

64. It was so decided.

65. The CHAIRMAN, referring to the fourth sentence, suggested that, on the basis of a proposal by Mr. Diaconu, the words "and to the meetings of States parties" should be added after the words "the General Assembly".

66. Mr. ABOUL-NASR asked whether the words "Some better method" implied that the Committee would be changing its reporting system.

67. Mr. RECHETOV said that the Committee should omit the reference in the third sentence to the fact that it had already made a recommendation 20 years previously. It would be better to say that the Committee "proposes" or "considers" that its Chairman should be invited to address the Third Committee.

68. Mr. van BOVEN suggested that the words "some 20 years ago" should be replaced by the words "in earlier years".

69. Mr. AHMADU suggested that the third sentence should be amended to read: "Also the Committee had repeatedly recommended that its Chairman should be invited ...".

70. Mr. SHERIFIS said that it was more important for the Committee to refer to the States parties than to the General Assembly.

71. Mr. RECHETOV said that meetings of the Third Committee and meetings of States parties to the Convention were completely different and, unless there was a change to the agenda of such meetings, he did not think that a recommendation should be made that the Chairman should participate in them.

72. He was in favour of the retention of the last sentence. If due attention had not been given to the Committee's work that was the Committee's fault. It was a legal body and entitled to make recommendations to States parties. The Special Rapporteur had succeeded in having the United States of America report to him, whereas the Committee had not received a report from that country in years. If the Committee continued working the way it did, no one would take it seriously.

73. Mr. YUTZIS said that the last sentence reflected the true situation. He would welcome improvements to it, but not any proposal that it should be deleted.

74. Mr. de GOUTTES said that the last sentence should be retained, but any hint of disagreement among the members of the Committee could be removed by deleting the words "some members".

75. Mr. GARVALOV said that, since full compliance with treaty obligations was indeed a problem, the sentence might be amended to read: "Full compliance with treaty obligations continues to be a problem in a number of cases".

76. Mr. van BOVEN said it should be made clear that the main problem the Committee should be trying to solve in the last sentence was that of the late submission of reports.

77. The CHAIRMAN said that the sentence might be amended to read: "The Committee expressed regret that little was done by States parties to secure better compliance with treaty obligations, particularly the timely submission of reports".

78. Mr. RECHETOV said that the Committee was burying its head in the sand and ignoring the fact that it was doing very little to ensure that States parties submitted their reports. It was not wise to put the onus solely on States parties.

79. The CHAIRMAN said that the Committee's procedures for overdue and initial periodic reports and the five-year limit before the procedure took effect were demonstrations of the efforts it was making to get States parties to comply. It was not true to say that the Committee had done nothing.

80. If he heard no objection, he would take it that the Committee adopted document CERD/C/51/CRP.1/Add.29, as amended.

81. It was so decided.

Document CERD/C/51/CRP.1/Add.30 - Chapter VII: Submission of reports by States parties under article 9 of the Convention

82. The CHAIRMAN said that the document would be amended to indicate that reports had been received from Armenia, Cameroon, Cuba, Israel, Kuwait, Lebanon, Niger, Norway and Yugoslavia and that corrections had been submitted to the reports of Panama, Cape Verde and Suriname.

83. Document CERD/C/51/CRP.1/Add.30 was adopted.

Document CERD/C/51/CRP.1/Add.31 - Chapter VIII: Third Decade to Combat Racism and Racial Discrimination

84. The CHAIRMAN said that the wording would be included to reflect the previous evening's discussion. He also assured Mr. van Boven that a paragraph would be included on the World Conference on Racism and the role that the Committee would play in that Conference.

85. Document CERD/C/51/CRP.1/Add.31 was adopted.

Document CERD/C/51/CRP.51/Add.32 - Chapter IX: Overview of the methods of work of the Committee

86. Mr. DIACONU said that the consideration of the document should be postponed until the afternoon meeting to allow for further discussion of the drafting of concluding observations.

87. Mr. ABOUL-NASR suggested that the discussion should be postponed until the next session.

88. Mr. DIACONU said the concluding observations could be shortened without losing their substance. Under current drafting methods, the Committee tended to repeat itself and often did not know whether to deal with a particular issue under "Principal subjects of concern" or "Suggestions and recommendations"; the two headings should be merged. "Positive aspects" could also be combined with the introduction or with "Factors and difficulties", so that there would be only two chapters.

89. The CHAIRMAN said he would prepare a document on the Committee's methods of work that would be circulated to members before the next session and would incorporate Mr. Diaconu's suggestions and any others that might be made.

90. Mr. GARVALOV, supported by Mr. YUTZIS, said he agreed with Mr. Aboul-Nasr that the matter should be discussed at the next session.

91. Mr. DIACONU said that a second paragraph should be added, stating that some members of the Committee had put forward ideas on the way the concluding observations were drafted.

92. Mr. ABOUL-NASR said the idea had been to cover more aspects of the Committee's methods of work than just the drafting of the concluding observations.

93. The CHAIRMAN proposed that the paragraph should be amended to read: "Some members of the Committee presented ideas concerning changes to the Committee's methods of work, including the preparation of concluding observations".

94. Mr. GARVALOV suggested that the new sentence should begin with the words "As a preliminary step", since some members had not been given the opportunity to express their views.

95. Mr. SHERIFIS said he thought that the Committee had unanimously agreed to deal with the issue at its next session; he did not see how the views of some members could be summarized, but not those of others.

96. Mr. YUTZIS said that he agreed with Mr. Garvalov's suggestion.

97. Mr. de GOUTTES said the simplest solution would be to add the following second paragraph: "It was agreed that it would be appropriate at the Committee's next session to discuss its methods of work, including the way in which the concluding observations should be drafted".

98. Mr. WOLFRUM said that, if the Committee did not actually discuss the drafting of concluding observations, it could not refer to "some members", since not all members had been given an opportunity to speak on the subject; in that case, a sentence could simply be added to indicate that the matter would be dealt with at the next session.

99. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt document CERD/C/51/CRP.1/Add.32, with the following amendment: "It was agreed that it would be appropriate at the next session to discuss possible changes to the Committee's methods of work, including the preparation of concluding observations".

100. Document CERD/C/51/CRP.1/Add.32, as amended, was adopted.

Document CERD/C/51/CRP.2 - Annex I: Status of the Convention; Annex II: Agendas of the fiftieth and fifty-first sessions

101. Document CERD/C/51/CRP.2 was adopted, with the addition of Cyprus to the list of States parties that had accepted the amendments to article 8 of the Convention.

Document CERD/C/51/CRP.2/Add.2 - Chapter IX: Documents received by the Committee at its fiftieth and fifty-first sessions in conformity with article 15 of the Convention

102. Document CERD/C/51/CRP.2/Add.2 was adopted.

Document CERD/C/51/CRP.2/Add.3 - Annex V: General Recommendation adopted by the Committee at its fifty-first session

103. The CHAIRMAN said the General Recommendation should be entitled: "General Recommendation on the rights of indigenous peoples".

104. Document CERD/C/51/CRP.2/Add.3, as amended, was adopted.

Document CERD/C/51/CRP.2/Add.4 - Annex VI: Country Rapporteurs for reports considered by the Committee at its fiftieth and fifty-first sessions; Annex VII: List of documents issued for the fiftieth and fifty-first sessions of the Committee

105. The CHAIRMAN said that the list of Country Rapporteurs would have to be amended with the addition of Mr. de Gouttes for Argentina and Mr. Wolfrum for Burundi and the deletion of references to members serving as Country Rapporteurs in cases where States parties had not filed an initial report.

106. Document CERD/C/51/CRP.2/Add.4, as amended, was adopted.

107. The report of the Committee to the General Assembly at its fifty-second session, as a whole, as amended, was adopted.

Letter of transmittal (CERD/C/51/Misc.41)

108. Mr. ABOUL-NASR said he did not consider the Committee to be an "organ" of the United Nations, as stated in the first sentence of the draft letter of transmittal. Was the statement that the Committee's warning had not been "sufficiently clear or loud" intended as self-criticism? Was the Committee to blame for the situation in the Great Lakes region? It was a very strong accusation to say that other United Nations bodies had not heeded the warning and that the international community had failed to act. The Committee had in fact not been the first, but among the first, to issue an early warning. It should not state that preventive action was its priority, as that would be contrary to the Convention. The second paragraph should also refer to the relevant article of the Convention.

109. Mr. GARVALOV said that he endorsed the draft letter.

110. Mr. DIACONU said that the last sentence of the draft letter should be deleted.

111. The draft letter of transmittal, as amended, was adopted.

Expert seminar

112. Mr. WOLFRUM said that, by a decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the comprehensive examination of thematic issues relating to the elimination of racial discrimination, the Sub-Commission was proposing that an expert seminar should be held jointly with the Committee in 1998 to explore in depth, inter alia, the issues put forward by the Committee for further study by the Sub-Commission; it was also determined to explore other opportunities to cooperate with and support the work of the Committee.

113. The CHAIRMAN said that the Committee could not take any action on the seminar at present; the proposal would have to be dealt with under the Chairman's powers.

114. Mr. van BOVEN suggested that the Chairman should contact the Chairman of the Sub-Commission to work out the modalities of such a seminar and the type of contributions that could be made, with a brief working paper on the subject to be submitted to the Committee for discussion at its fifty-second session.

115. Mr. RECHETOV, supported by Mr. de GOUTTES and Mr. SHERIFIS, endorsed Mr. van Boven's proposal, but said he would have liked all such agreements to be of a provisional nature, as the composition of both the Committee and the bureau might change before any seminar took place.

116. Mr. ABOUL-NASR said that no action should be taken until an official invitation had been received from the Sub-Commission.

Independence of Committee members

117. Mr. ABOUL-NASR said that, during the Committee's present session, as at previous sessions, matters which had been discussed between members of the Committee had been the subject of protests from three States parties. Committee members were impartial experts; they did not represent Governments and it was not acceptable for a State party to complain about the views expressed by any of them. Such behaviour was contrary to the Convention and to the way in which the Committee was meant to function and the attention of States parties should be drawn to that fact.

118. Mr. WOLFRUM said that he agreed with Mr. Aboul-Nasr, also noting that the Committee had already taken action in respect of such a situation in the past.

119. The CHAIRMAN suggested that the Committee could recall General Recommendation IX, which related to respect for the members of the Committee as independent experts, and remind delegations of it during the briefing process.

120. Mr. GARVALOV, supported by Mr. YUTZIS and Mr. SHERIFIS, said that the Committee should reaffirm its position in no uncertain terms.

121. Mr. de GOUTTES said that, whenever experts were put under such pressure, they should immediately make it known so that the Committee could react in a timely and appropriate manner.

122. Mr. SHAHI, supported by Mr. VALENCIA RODRIGUEZ, said the Committee members were not accountable to the Governments of which they were nationals; otherwise, there would be no point in electing them to serve in their individual capacity.

The meeting rose at 1 p.m.